

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

July 30, 2004

IN RE:

**PETITION FOR ARBITRATION OF CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS**

**DOCKET NO.
03-00585**

**PETITION FOR ARBITRATION OF BELL SOUTH MOBILITY
LLC; BELL SOUTH PERSONAL COMMUNICATIONS, LLC;
CHATTANOOGA MSA LIMITED PARTNERSHIP;
COLLECTIVELY D/B/A CINGULAR WIRELESS**

**PETITION FOR ARBITRATION OF AT&T WIRELESS PCS, LLC
D/B/A AT&T WIRELESS**

PETITION FOR ARBITRATION OF T-MOBILE USA, INC.

**PETITION FOR ARBITRATION OF SPRINT SPECTRUM L.P.
D/B/A SPRINT PCS**

**ORDER GRANTING CMRS PROVIDERS' MOTION FOR LEAVE TO FILE
SUPPLEMENTAL TESTIMONY**

This matter came before the Pre-Arbitration Officer on the *CMRS Providers' Motion for Leave to File Supplemental Testimony* ("Motion") filed by the Commercial Mobile Radio Services Providers ("CMRS Providers") on July 20, 2004. In the *Motion*, the CMRS Providers seek an Order allowing the filing of supplemental testimony of its expert witness, Mr. Craig Conwell. Mr. Conwell's supplemental testimony was lodged with the Authority on July 20, 2004.¹

According to the Procedural Schedule issued on April 15, 2004, the deadline for pre-filing direct testimony in this Docket was June 3, 2004 and the deadline for pre-filing rebuttal testimony was June 24, 2004. However, the Pre-Arbitration Officer issued an *Order Granting Motion to Compel* on June 17, 2004, which ordered the production of cost studies and audited

¹ Mr. Conwell's supplemental testimony was filed as an attachment to the *Motion*.

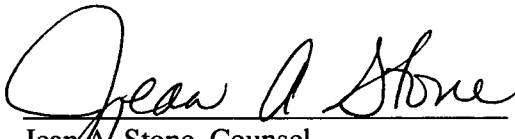
financial information from the Rural Coalition of Small LECs and Cooperatives ("Coalition"). At a Status Conference held on July 2, 2004, the Coalition was granted permission to seek interlocutory review of the *Order Granting Motion to Compel* as it related to the production of the audited financial statements, and the cost studies produced by the members of the Coalition were ordered to be made available to the CMRS Providers.

As a result, the CMRS Providers are seeking leave to file the supplemental testimony of their expert witness on costs, Mr. Conwell, on the basis that the supplemental testimony contains his analysis of the cost studies produced by the members of the Coalition. The Coalition has not objected to the *Motion*.

The Pre-Arbitration Officer finds that, because the costs studies were produced after the deadlines for the pre-filing of testimony had passed, the *Motion* is well-taken and should be granted.

IT IS THEREFORE ORDERED THAT:

1. The CMRS Providers' *Motion for Leave to File Supplemental Testimony* is granted.
2. The *Supplemental Testimony of W. Craig Conwell on Behalf of Verizon Wireless, Cingular Wireless, AT&T Wireless and T-Mobile USA*, lodged with the Authority on July 20, 2004, is accepted as filed.


Jean A. Stone, Counsel
as Pre-Arbitration Officer